



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kaupo PALO

Application No.: 09/869,581

Art Unit: 2878

Filed: October 22, 2001

Examiner: Otilia Gabor

For:

A METHOD OF CHARACTERIZING FLUORESCENT MOLECULES OR OTHER

PARTICLES USING GENERATING FUNCTIONS

TERMINAL DISCLAIMER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Evotec OAI AG, a corporation of Germany, the exclusive owner of the entire right, title, and interest in the subject patent application, by virtue of an assignment recorded at Reel/Frame 12320/567-568, hereby disclaims the terminal part of any patent granted on the above identified application that would extend beyond the expiration date of the full statutory term as defined in 35 USC §§ 154-156 and 173 of U.S. Pat. No. 6,376,843 ("the prior patent") not shortened by terminal disclaimer, and hereby agrees that any patent granted on the above identified application shall be enforceable only for and during such period that such patent is commonly owned with the prior patent, which agreement is to be binding upon the grantee, its successor or assigns; but, does not disclaim any terminal part of any patent granted on the subject patent application prior to the expiration date of the full statutory term of the prior patent if it expires for failure to pay a maintenance fee, is held unenforceable or is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, has all claims canceled by reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term.

The requisite fee of \$110.00 is submitted herewith.

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Respectfully submitted,